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INFORMATION

August 28, 1969

MEMORANDUM FOR DR. KISSINGER

FROM: Morton H. Halperin *MH*

SUBJECT: U.S. Policy, Programs and Issues on CBW

There is no comprehensive inter-Agency policy on CBW. Present policy is therefore embodied in a series of public statements by U.S. officials and DOD procurement, testing and deployments decisions over the past three decades. Consequently, it is difficult to pinpoint policy in some areas (e.g., chemical and biological incapacitants), and apparent contradictions exist between stated policy and actual practices.

"CBW" needs to be broken down into distinct categories before policy issues can be discussed and decisions made. These categories are: (1) Lethal Chemical, (2) Chemical Incapacitants, (3) Tear Gas, (4) Chemical Herbicides and Anti-Crop, (5) Lethal Biologicals, (6) Biological Incapacitants and (7) Biological Herbicides and Anti-Crop. In each case the issues concern U.S. procurement, testing and deployment and what constraints we should seek or accept in arms control agreements.

The current NSC study is dealing with all of these questions. Until a few weeks ago DOD inputs into the study reflected the JCS view that we need a greatly expanded CBW capability. Secretary Laird, apparently at the urging of Systems Analysis, has now withdrawn all of the DOD papers and is having them rewritten. Laird has not given any indication of where he stands on the issue. DOD has requested a one month extension from the original due date of September 5. We have indicated informally that we were prepared to grant the extension provided it was agreed that in the interim the Departments would not anticipate the results of the study in their actions or public statements.

The remainder of this memorandum briefly discusses policy, programs and issues for each category of CBW and the two current arms control proposals.

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You should keep two points in mind. First, there is general agreement that our information about Soviet, Chinese and other foreign programs is very minimal. For example, most of the information upon which current estimates are based is dated, usually a decade or more old, and there are serious deficiencies in confirmed intelligence. Second, there is general agreement that the U.S. has not taken the necessary defensive measures either to protect its troops or to lend credibility to a retaliatory capability.

CHEMICALS

1. Lethal Chemical (C)

Policy. Although the U.S. has not ratified the Geneva Protocol, the U.S. has renounced first use of lethal chemical weapons. It is generally understood that the development and maintenance of a lethal C capability is for deterrence against the use of such agents in war and retaliation in the event that such weapons are used against U.S. or allied forces. Use of lethal C requires Presidential authorization according to JSC regulations.

Programs. The U.S. (1) conducts offensive and defensive RDT&E on lethal C; (2) develops and maintains a stockpile, both in bulk and in munitions, of approximately 35,000 agent tons including the nerve agents VX and GB, and Mustard (HD); and (3) has forward deployed a one to two weeks' large-scale operational supply in the Far East (1,585 agent tons being moved from Okinawa to Guam) and about a five day large-scale operational supply in Europe (488 agent tons in the FRG).

Issues. There seems to be general agreement that some lethal chemical capability is necessary (1) for deterrence against the use of chemicals in war and (2) for retaliation against the use of chemicals so that we need not resort to tactical nuclear weapons.

The basic issues center about how large a stockpile and actual capability and where deployed. JCS has favored a full war fighting capability, which would mean considerable expansion in present production and stockpiling, both overseas and in CONUS. State favors something less than a full war fighting capability or a minimum deterrent capability which would still provide some option for a given period of time. State also holds that overseas deployment should be held to a minimum. OST favors a rapid expansion in defensive measures, the lack of which weakens any capability.

OST and State favor stringent controls and safety measures on testing, stockpiling and disposal which the Army has reluctantly accepted in some degree.

2. Chemical Incapacitants (C Incaps)

Policy. While the U.S. has never used such agents (estimated lethality 2% or less although depending upon several variables), the U.S. position with respect to use is ambiguous and uncertain. The U.S. has reserved the option of first use to exploit military advantage with Presidential authorization.

Programs. The U.S. conducts offensive and, indirectly, defensive RDT&E on C Incaps. BZ, an hallucinatory agent causing muscular incoordination and mental confusion, is the only incapacitating chemical agent (non-riot control) which has been standardized by the Army to date. The U.S. stockpile of BZ is approximately 10 tons.

Important Characteristics. The characteristics of C Incaps themselves tend towards first use concepts and doctrine, as C Incaps have no basic deterrent function and no retaliation value. Uncertainty surrounding the effects and duration of BZ, the only standardized C Incap to date, the general unreliability of the agent and the limitations on existing munitions make the use of BZ highly questionable on technical and military grounds alone.

Issues. The basic issue is should the U.S. develop and maintain an option for first use of incapacitating chemicals, and should it stockpile a capability for C Incaps.

JCS favors an expanded program in C Incaps, and would like to reserve the option for first use. State favors R&D on C Incaps, no production and stockpiling, and does not favor reserving an option for first use. OST favors R&D on C Incaps.

3. Tear Gases (CS₁, CS₂, and CN)

Policy. The U.S. has maintained that the first use in war of tear gases is neither contrary to international law nor prohibited by the Geneva Protocol. (The U.S. position differs from the positions taken earlier by NATO Allies and most other nations adhering to the Protocol.) Presidential authorization is not now required for first use of tear gases in war.

Programs. The U.S. conducts offensive RDT&E on tear gases and has developed more effective weapons for delivery, ^{and} a micropulverized product which affects the lungs and which is silicone-coated to last longer in tropical climates. The U.S. develops and maintains large stockpiles, both in bulk and in munitions, in CONUS and overseas.

Use in Vietnam. CS has become an integral part of the Army's armament in Southeast Asia, the R&D community having been quite responsive to requests for improved munitions. As field commanders have gained experience with CS, it is viewed as an increasingly useful weapon in operations of several types: (1) attacking fortified positions before or in conjunction with high explosives; (2) city, village and hamlet fighting; (3) tunnel clearing; (4) defending against ambush; and (5) rescuing downed airmen. Use of tear gases is determined by the commanders in the field as the situation lends itself to such use. Use of tear gases was initially authorized by President Johnson, and actual operations are now authorized at battalion commander level.

Issues. The basic issue is whether or not the U.S. should continue to maintain an option for first use of tear gases in war.

JCS is strongly in favor of this option. DOD will probably support this position strongly. Rusk supported use in Vietnam despite the strong feeling in State that this is illegal. Rogers has not taken a position.

4. Chemical Herbicides & Anti-Crop

Policy. The U.S. has maintained that the first use of chemical herbicides and anti-crop agents is neither contrary to international law nor prohibited by the Geneva Protocol.

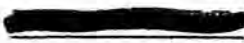
Programs. A sizeable current capability exists in chemical herbicides in support of Southeast Asia operations, and herbicides have been used on a large-scale in Vietnam operations. Defoliants have proved useful in protecting against ambush and in improving visibility.

Use of chemicals for crop destruction has been on a much more limited scale.

Use of defoliants and crop destruction agents in Vietnam requires authorization by a joint US-SVN committee in Saigon.

Issues. There is general agreement that the U.S. should reserve some option for the use of herbicides for defoliation purposes as long as use is limited and controlled.

There is disagreement on the option for use of chemical anti-crop agents. JCS favors retaining the option and use. State generally is against crop destruction although has concurred in crop destruction to date in Vietnam. OST does not favor retaining the first-use option for crop destruction.



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BIOLOGICALS

5. Lethal Biologicals (B)

Policy. As with lethal C, the U.S. has renounced first use, and it is generally understood that efforts in this area are for deterrence and retaliation only. Use of lethal B also requires Presidential authorization. The U.S. has not committed itself to support the recent UK proposals on BW at Geneva which would prohibit the development, production, stockpiling and deployment of B agents and weapons.

Programs. The U.S. (1) conducts offensive and defensive RDT&E on lethal B, and (2) develops and produces modest quantities of lethal B, stockpiled in special warfare devices at Pine Bluff Arsenal, Arkansas.

Important Characteristics. Compared to lethal C, lethal B is (1) far more toxic, (2) less reliable, (3) relatively uncontrollable, (4) slower in bringing about effects, and (5) easier and cheaper to produce, although more difficult to stockpile. Lethal B has no effective battlefield uses, being essentially anti-population. (For example, anthrax and pneumonic plague.)

Issues. The basic issue is whether or not the U.S. should maintain a stockpile and capability in lethal B. Since lethal B would be used against population the question is whether or not U.S. B capability adds significantly to our nuclear capability in deterring B attacks. JCS favors a lethal B capability as a co-deterrent with nuclears. State favors R&D on lethal B, but no production and stockpiling. OST is not in favor of maintaining an actual lethal B capability.

With regards to testing, JCS favors offensive and outdoor testing, although primarily with simulants. State favors defensive and very limited, if any, outdoor testing of either simulants or toxic agents.

6. Biological Incapacitants (B Incaps)

Policy. As with C Incaps, the U.S. position on B Incaps is ambiguous and uncertain. The U.S. has reserved the option for first use to exploit military advantage with Presidential authorization.

Programs. The U.S. conducts offensive and, again indirectly, defensive RDT&E. The U.S. produces and maintains a stockpile of approximately 8,300 gallons (FX or Venezuelan equine encephalomyelitis and MN or "Q" Fever) at Pine Bluff Arsenal.

Important Characteristics. As with C Incaps, the characteristics of the agents themselves tend towards first use concepts and doctrine.

Issues. The basic issue is whether or not the U.S. should maintain and develop a capability in B Incaps and whether or not it should reserve an option for first use.

JCS favors an expanded program in B Incaps, and would like to reserve the option for first use. State favors minimal R&D on B Incaps, no production and stockpiling, and does not favor reserving an option for first use. OST favors no capability and destruction of current stocks.

7. Biological Herbicides and Anti-Crop

Policy. Ambiguous and uncertain.

Programs. The U.S. currently stockpiles 0.9 tons of LX (the amount of Rice Blast capable of infecting approximately 5,000 square miles) and 40 tons of TX (amount of Stem Rust of Wheat capable of infecting 106,400 square miles of wheat crop) given adequate tanks for delivery. (All the wheat crops of the Warsaw Pact countries, including the Soviet Union, Communist China and North Korea add up to approximately 124,000 square miles.)

Issues. The basic issue is whether the U.S. should maintain and develop a biological anti-crop capability and reserve the option for first use. JCS favors an expanded program. State does not favor maintaining a capability and is against reserving a first use option. OST is against a crop destruction capability, and does not favor a first use option.

ARMS CONTROL

1. Geneva Protocol

Policy. While having supported and signed the Protocol, the U.S. has not ratified it. Congress has never voted on the Protocol, and the Truman Administration withdrew it some years ago. All NATO Allies, Warsaw Pact countries (including the Soviet Union), and Communist China have ratified the Protocol. Japan is the only other major industrial nation which has not ratified the Protocol. The U.S. has supported UNGA resolutions calling on all nations to abide by the principles of the Geneva Protocol (1966 and 1968).

Issues. Several nations have maintained that the principles of the Geneva Protocol have become customary international law and are, therefore, binding upon the U.S. as such. Generally speaking, DOD disagrees and State agrees with this interpretation.

More importantly, the issue is whether or not the U.S. should ratify the Protocol and, if so, with what, if any, reservations or interpretations. The sticky issue here is tear gas. DOD would request an amendment or interpretation to the effect that the U.S. does not consider tear gases as coming under the prohibitions in the Protocol. State legal counsel has maintained that use of tear gases in war is contrary to international law, and State might be inclined to favor ratification of the Protocol without reservations on tear gases.

2. UK Proposals on BW (1969)

Policy. The UK proposals would ban the development, production and stockpiling of biological agents. The U.S. has maintained that the proposals are worthy of study, but has not committed itself to support the treaty.

Issues. The issue is whether or not to support the treaty and, if so, what alterations, if any, should be recommended. JCS would oppose the treaty. DOD position is not yet clear. State would probably favor supporting the treaty with minor alterations, especially those making it clear that development of small quantities for research purposes would not be prohibited. There is, of course, no way to verify compliance.